

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.34354 of 2017  
and  
Criminal Misc. No.M-39762 of 2017

.....

Date of decision:27.10.2017

O.P. Chopra

...Petitioner

v.

State (U.T. Chandigarh)

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. T.S. Sangha, Senior Advocate with Mr. Sanjay Tangri,  
Advocate for the petitioner.

Mr. Gautam Dutt, A.P.P. for U.T., Chandigarh.

Mr. B.S. Bedi, Advocate for the complainant.

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**Inderjit Singh, J.**

Criminal Misc. No.34354 of 2017:

For the reasons mentioned in the criminal miscellaneous application, the documents (Annexures.P.15 and P.16) along with affidavit are taken on record subject to just all exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-39762 of 2017:

The petitioner has filed this petition under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.201 dated 5.12.2015 registered at Police Station Sector 19, Chandigarh for the offences under

Sections 420 and 120-B IPC.

Notice of motion has been issued in this case.

Mr. Gautam Dutt, learned A.P.P. for U.T. has put in appearance on behalf of the respondent-U.T. and Mr. B.S. Bedi, learned Advocate has appeared for the complainant and contested this petition.

From the record, I find that as per FIR, the present petitioner along with one Hari Mohan Bajaj formed a Society, namely, Mohan Vihar Housing Welfare Society (Regd.) (hereinafter referred to as 'the Society') and had taken money from 135 members and this Society was to give plots in Ghaziabad, U.P. near Delhi. An advertisement was also given in the newspaper "The Tribune". Later on, this Society changed its name. Neither the plot had been allotted to any of the members nor possession of these plots was given. The advertisement was given in the year 1991 and since then, neither the money was returned nor the plots were given and thus has committed cheating with the members of the Society.

Learned counsel for the petitioner stated that in the year 1996 the petitioner had handed over the accounts to the other President etc.

Learned counsel for the complainant as well as learned A.P.P. stated that even after 1996 i.e. after about 5 to 7 years of the alleged resignation, the present petitioner has stated to the Bank that he is authorized to operate the account of the Society. Learned counsel for the complainant and learned A.P.P. stated that this resignation was nothing but only to cheat the people and to escape from the liability. At the time of arguments, learned counsel for the complainant has brought to the notice of this Court that there is no land available with the Society to give the plots etc. There is already a township built over the property in dispute which is stated to be the

land of the Society.

Keeping in view the facts and circumstances of the present case, I find that the present petitioner is required for custodial interrogation, therefore, I do not find it a fit case where the petitioner is entitled to be benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

October 27, 2017.

parveenkumar

**(Inderjit Singh)**  
**Judge**